

The reply brief and brief on appeal filed 07-01-09 are noted. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

MPEP 1207.05I:

It should also be noted that an indication that certain rejections have been withdrawn as a result of the reply brief is not, by itself, a supplemental examiner's answer and is of course permitted. Such an indication of a change in status of claims would not give appellant the right to file another reply brief. The examiner may make the indication on form PTOL-90.

In the examiner's answer filed on 01-09-08, page 12, the statement of the 35 U.S.C. 103(a) rejection is incorrect.

The statement is herein corrected by the withdrawal of the rejection of claims 9, 10, 17, 22, 32, 34 and 35 as follows:

In the alternative, claims 1-4, 6, 8, 11, 12, 14-16, 18-20, 24-29, 31, 33, 36, 37 and 39-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hernandez (4994936). Hernandez is applied as it is applied to claims 1-4, 6, 8, 11, 12, 14-16, 18-20, 24-29, 31, 33, 36, 37 and 39-45 supra.

For information on the status of this application applicant should check PAIR: Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alternatively, applicant may contact the File Information Unit at (703) 308-2733. Telephone status inquiries should not be directed to the examiner. See MPEP 1730VIC, MPEP 203.08 and MPEP 102.

Any other telephone inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Graybill at (571) 272-1930. Regular office hours: Monday through Friday, 8:30 a.m. to 6:00 p.m.

The fax phone number for group 2800 is (571) 273-8300.

/David E Graybill/
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